IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4911 OF 2005

Vijaykumar Raosaheb Kulkarni... .....
Petitioner
V/s
Ravindra Bhila Patil & Ors... . .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.S.G.Kudle, Adv. for the petitioner.

Mr.Vijay Killdar i/by Mr.Nitin Jamdar for respondent No.1.
Mr.C.R.Sonawane, AGP for respondent No.3.

CORAM: A.P. DESHPANDE, J.
22.3.2007

PC:

The present petition takes exception to an interlocutory order passed by the School Tribunal dated 8.7.05 rejecting the petitioner's application for impledment as party to the appeal. The appellant before the School Tribunal is respondent No.1 herein who has challenged his termination from the post of Head Master by filing appeal before the School Tribunal. It is undisputed that the

respondent No.1 herein was working as Head Master since the year 1997 till termination of service with effect from 31.1.05. It is only after termination of respondent No.1 that present petitioner has been appointed as in-charge Head Master in the vacancy that is caused on account of termination of respondent No.1. If this be the position, no fault can be found with the order passed by the Tribunal rejecting the application moved by the petitioner for his impledment as party-respondent in the appeal filed by respondent No.1. At this stage learned counsel for the petitioner has invited my attention to an order passed by a Division Bench of this Court which had permitted the petitioner to raise his claim in regard to seniority vis-a-vis present respondent No.1 before the appropriate Forum. The appropriate Forum for dealing with the issue of seniority is the Education Officer acting under rule 12 of Maharashtra Employees of Private Schools (Condition of Services) Rules. Learned counsel for the petitioner informs that till date the petitioner has not approached the Education Officer for determination of question of inter se seniority under rule 12. Hence seeks permission to approach Education Officer raising grievance in regard to inter se

seniority. In this view of the matter as there is no merit in the writ petition same is dismissed. However petitioner is granted liberty to approach Education Officer under rule 12 of MEPS Rules in regard to claim of his seniority.

22.3.07.